

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4111/1dn
MDK:med:rs

February 24, 2012

Representative Roys:

1. The bill defines children's bedding, in part, as bedding as defined under current law, which is "any mattress, upholstered spring, comforter, pad, cushion, or pillow designed and manufactured for the purpose of sleeping or reclining." See s. 100.2095 (1). Is that okay, or should additional products be included?
2. Current law imposes certain labeling requirements for all bedding. This bill requires retail packaging for children's bedding, rather than the bedding itself, to be labeled regarding PVC, DEHP, and PBDE. However, children's bedding must also comply with labeling required under current law. Is that okay, or do you want the children's bedding to be labeled, instead of the retail packaging?
3. I included the bill's requirements in s. 100.2095, which deals with labeling of bedding. Do you want to include in the bill any provisions comparable to s. 100.335, which pertains to child's containers containing bisphenol A? For example, s. 100.335 does not apply to the sale of used child's containers. See s. 100.335 (6). Do you want to revise the bill to include an exemption for the sale of used children's bedding? Also, s. 100.335 (5) allows DATCP to issue recall orders. Do you want to include similar authority in the bill? In addition, s. 100.335 (7) requires a court to impose a surcharge, in addition to a fine or forfeiture, for a violation. The surcharge is appropriated to DATCP for enforcement of s. 100.335. Do want a similar surcharge for enforcement of the bill?
4. The bill creates forfeitures, rather than fines, for violations. The difference is that a forfeiture is assessed in a civil proceeding and a fine is assessed in a criminal proceeding, which has a higher burden of proof than a civil proceeding. Is that okay?
5. I delayed the effective date by approximately 3 months to give manufacturers, wholesale sellers, and retailers time to comply with the bill. Is that okay?

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